

REMARKS

I. General Comments

Applicants thank the Examiner for accepting the drawings filed on September 27, 2007. Applicants also thank the Examiner for acknowledging the claim to foreign priority and receipt of the certified copies of the priority documents. In addition, Applicants thank the Examiner for considering the references listed on the PTO/SB/08 Form submitted with the Information Disclosure Statement of September 27, 2007.

II. Status of the Application

By the present Amendment, Applicants are amending claims 1-4, 7, and 8. No new matter is added. Claims 1-13 are all the claims currently pending in the application.

III. Claim Rejections Under 35 U.S.C. § 112, First Paragraph

Claims 9-11 stand rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the enablement requirement. The Examiner alleges that the specification does not teach or suggest a mechanism that ensures that the recited sampling contains the header of the macropacket in the “small portion” of the optical signal that is sampled in claim 9. Applicants respectfully disagree.

First, Applicants note that claim 9 does not limit the sampled portion to a “small portion” of the optical signal, as alleged by the Examiner. Second, as recited in claim 9, the free portions of the macropacket are determined by analyzing the content of the header of the macropacket (see claim 4 upon which claim 9 depends). As explained in the present specification, the input optical signal is converted into an electronic signal, and the state machine analyzes the header (see page 7, lines 21-35). Contrary to the Examiner’s suggestion, it would have been obvious to

a person of ordinary skill in the art to begin sampling at the beginning of the macropacket, thus ensuring that the header is included in the sampled portion of the optical signal, because the header is positioned at the beginning of the macropacket. The Examiner correctly notes that “the invention is to find free spaces in the macropacket.” However, in the exemplary embodiment recited in claim 9, the free spaces are found simply by analyzing the header of the macropacket, not by measuring the content of the macropacket. Therefore, Applicants respectfully request that the Examiner withdraw the rejection of claims 9-11 under 35 U.S.C. § 112, first paragraph.

IV. Claim Rejections Under 35 U.S.C. § 112, Second Paragraph

Claims 1-4, 7, and 8 stand rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. Applicants are amending claims 1-4, 7, and 8 to comply with the requirements of 35 U.S.C. § 112, second paragraph.

V. Claim Rejections Under 35 U.S.C. § 102(b)

Claims 1, 4, 6, 12, and 13 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 7,006,525 to Jha. Applicants respectfully traverse this ground of rejection.

Independent Claim 1

Claim 1 recites a dynamic method of adding data to optical signals at the nodes of a fiber optic transmission network. When the optical resource transits through an intermediate node, the method detects if the optical resource comprises free portions if the intermediate node has at least one data packet to transmit. This step comprises detecting the absence of optical signals in at least one portion of said optical resource by measuring the power of said portion of said optical resource.

Jha discloses a method for hybrid data transportation that sends a mix of different data types over a fiber optic network running SONET/SDH framing (col. 1, lines 19-22). If a node detects an incoming SONET frame, the node checks the frame to determine whether there are unused or reusable areas in the incoming frame that can be used to send additional data (col. 16, lines 1-5). However, Jha does not disclose how the node determines whether there are unused or reusable areas in the incoming frame.

In rejecting claim 1, the Examiner cites a passage stating that “The payload header 204a may be used to tell whether one or more of the empty packets 222a - 222n inside the SONET SPE 200 may be reused at an intermediate node” (col. 13, lines 19-21). This is accomplished by creating a reusability bit in the header 204a (col. 12, lines 33-38). A reusability bit can also be created to indicate whether a packet area can be reused after a packet is dropped at a node (col. 11, lines 61-65; col. 12, lines 33-38). The reusability bit indicates whether a full or empty packet can be reused; however, it does not indicate whether the packet is full or empty.

Although Jha discloses the ability to detect an empty packet, it does not explain how the empty packet is detected. In particular, Jha does not teach or suggest that the empty packet is detected by measuring the power of the space allocated to the packet. Therefore, Applicants submit that claim 1 distinguishes over Jha at least by virtue of the aforementioned reasons, as well as its additionally recited features. Further, claim 12 distinguishes over Jha at least by virtue of its dependency on claim 1, as well as its additionally recited features.

Independent Claim 4

Claim 4 recites a dynamic method of adding data to optical signals at the nodes of a fiber optic transmission network. When the optical resource transits through an intermediate node, the method detects if the optical resource comprises free portions if the intermediate node has at

least one data packet to transmit. In claim 4 the optical resource is a macropacket comprising a header and data packets. The free portions of the macropacket are identified by analyzing the content of the header of the macropacket.

As discussed above, Jha does not explain how it identifies an empty packet. In particular, Jha does not teach or suggest that the empty packet is detected by analyzing the content of the header of a macropacket. Therefore, Applicants submit that claim 4 distinguishes over Jha at least by virtue of the aforementioned reasons, as well as its additionally recited features. Further, claims 6 and 13 distinguish over Jha at least by virtue of their dependency on claim 4, as well as their additionally recited features.

VI. Claim Rejections Under 35 U.S.C. § 103(a)

Claims 2, 5, 7, and 8 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Jha in view of U.S. Patent No. 5,331,316 to Mestdagh et al. (hereinafter “Mestdagh”). Applicants respectfully traverse this ground of rejection.

As discussed above, Jha does not explain how it identifies an empty packet. Jha does not teach or suggest that the empty packet is detected by measuring the power of the space allocated to the packet, or by analyzing the content of the header of a macropacket. Further, Mestdagh fails to remedy this deficiency in Jha. Therefore, Applicants submit that claims 2, 5, 7, and 8 are patentable over Jha and Mestdagh at least by virtue of the aforementioned differences, as well as their additionally recited features.

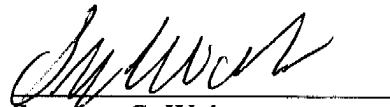
VII. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the

Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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